

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No.16423 of Lance Benson and Leslie Anderson, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing non-conforming structure (Subsection 2001.3(a) and (c)), a variance from the maximum allowable percentage of the lot occupancy provisions (Subsection 1203.3) for the proposed construction of a second-story and deck addition to the rear of an existing flat in the CAP/R-4 District at premises 18 Third Street, S.E. (Square 787, Lot 807).

HEARING DATE: February 3, 1999
DECISION DATE: February 3, 1999 (Bench Decision)

SUMMARY ORDER

The Board granted the applicant's request that the application be amended to read as follows.

Application No.16423 of Lance Benson and Leslie Anderson, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing non-conforming structure (Subsection 2001.3(a) and (c)), a variance from the maximum allowable percentage of the lot occupancy provisions (Subsection 1203.3) for the proposed construction of a second-story **rear porch deck addition, roof deck and elevator penthouse at** an existing flat in the CAP/R-4 District at premises 18 Third Street, S.E. (Square 787, Lot 807).

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commissions (ANCs) 6B and 6A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 6B. ANC 6B, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR Subsection 2001.3(a) and (c), and Subsection 1203.3. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107 that there exists an exceptional situation which creates an undue hardship for the owner in complying with the Zoning Regulations, and that the

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BZA APPLICATION NO.: 16423

As Interim Director of the Office of Zoning, I hereby certify and attest that on _____ a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Peter J. Waldron, Chairperson
Advisory Neighborhood Commission 6B
912 Pennsylvania Avenue, Suite 108
Washington, D.C. 20003

Lance Benson
18 Third Street, S.E.
Washington, D.C. 20003

Attested by: *Sheri M. Pruitt-Williams*
SHERI M. PRUITT-WILLIAMS
Interim Director

Date: _____

Attest/SO 16423/POH